



General Assembly

**Proposed Substitute  
Bill No. 6511**

January Session, 2009

LCO No. 4947

**AN ACT CONCERNING TRANSPARENCY AND OVERSIGHT OF  
GASOLINE MARKETS.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1      Section 1. (NEW) (*Effective from passage*) Sections 2 to 9, inclusive, of  
2      this act shall be known and may be cited as the "Gasoline  
3      Transparency and Oversight Act".

4      Sec. 2. (NEW) (*Effective from passage*) As used in sections 2 to 9,  
5      inclusive, of this act:

6      (1) "Distributor" has the same meaning as provided in subdivision  
7      (3) of section 14-327a of the general statutes;

8      (2) "Fuel" means regular unleaded gasoline;

9      (3) "Major retailer" means any person who annually sells at retail to  
10     consumers in this state more than one million gallons of fuel;

11     (4) "Major fuel supplier" means any person who owns fuel as it

12 enters the state for purposes of selling such fuel in the state;

13 (5) "Person" has the same meaning as provided in section 14-1 of the  
14 general statutes;

15 (6) "Relevant time period" means July 1, 2008, to June 30, 2009,  
16 inclusive; and

17 (7) "Wholesale rack prices" means wholesale prices at which major  
18 fuel suppliers sell branded or unbranded fuel to any other person,  
19 including, but not limited to, a supplier, distributor or retailer, but  
20 does not include any state or federal taxes, rebates, discounts, tax  
21 incentives or transportation costs. Wholesale rack prices include, but  
22 are not limited to, posted rack prices for fuel at bulk terminals.

23 Sec. 3. (NEW) (*Effective from passage*) On or before October 1, 2009,  
24 each major fuel supplier and person who sells fuel at wholesale rack  
25 prices shall file with the Department of Consumer Protection, on forms  
26 prescribed, prepared and furnished by said department, a certified  
27 statement showing the following information: (1) The amount of fuel  
28 owned by such supplier that entered the state; (2) the amount of fuel  
29 owned by the supplier or seller that was brought to a wholesale rack  
30 location; and (3) the amount of such fuel from each wholesale rack  
31 location sold to another person, including a distributor or retailer and  
32 the price per unit of fuel, which may be the wholesale rack price and  
33 dealer tank wagon price, that was charged to each person. For  
34 purposes of this section, the amount of fuel data shall be filed for the  
35 months of January, 2009, and June, 2009. The daily price data shall be  
36 filed weekly during the relevant time period.

37 Sec. 4. (NEW) (*Effective from passage*) On or before October 1, 2009,  
38 each distributor shall file with the Department of Consumer  
39 Protection, on forms prescribed, prepared and furnished by said  
40 department, a statement showing the amount of gasoline sold to  
41 gasoline retailers in each municipality of this state during the months  
42 of January, 2009, and June, 2009, aggregated by monthly total number  
43 of gallons sold in each municipality to which such gasoline was

44 delivered. Such form shall not indicate the name of the distributor.  
45 Each distributor shall submit on a separate form a certified affidavit  
46 under penalty of law that it has filed the anonymous required filing  
47 and complied with the information requirement of this section.

48     Sec. 5. (NEW) (*Effective from passage*) On or before October 1, 2009,  
49 each major retailer shall file with the Department of Consumer  
50 Protection, on forms prescribed, prepared and furnished by said  
51 department, a certified statement showing the following information  
52 for the relevant time period: For each day during the relevant time  
53 period, the retail price for fuel charged by such retailer.

54     Sec. 6. (NEW) (*Effective from passage*) The Department of Consumer  
55 Protection may, within available appropriations, purchase price data  
56 from data service companies that said department may use to assist in  
57 analyzing retail and wholesale fuel price and supply data. The  
58 Department of Consumer Protection shall prescribe applicable  
59 standards and practices for reporting to facilitate uniformity,  
60 consistency and comparability of the data to be submitted pursuant to  
61 this section.

62     Sec. 7. (NEW) (*Effective from passage*) The Department of Consumer  
63 Protection shall analyze such information received pursuant to  
64 sections 2 to 9, inclusive, of this act and issue a report to the joint  
65 standing committees of the General Assembly having cognizance of  
66 matters relating to energy and consumer protection issues. Such report  
67 may contain recommendations for administrative or legislative action  
68 and findings concerning the gasoline market in Connecticut. The  
69 department may refer such information to the appropriate state or  
70 federal agency for law enforcement purposes or may initiate such legal  
71 action as deemed appropriate.

72     Sec. 8. (NEW) (*Effective from passage*) Information reported pursuant  
73 to sections 2 to 9, inclusive, of this act shall be considered trade secrets  
74 and proprietary and confidential in nature and shall be exempt from  
75 disclosure pursuant to chapter 14 of the general statutes. Such  
76 information shall be maintained by the Department of Consumer

77 Protection and shall not be disclosed to any person or entity, public or  
78 private, except that such information may be disclosed to a person or  
79 entity, public or private, if such information is aggregate in form and  
80 does not disclose or attribute any data to a particular company.

81 Sec. 9. (NEW) (*Effective from passage*) (a) The Department of  
82 Consumer Protection shall notify those persons who have failed to  
83 timely provide the information required by sections 3 to 5, inclusive, of  
84 this act. The Attorney General may issue a civil investigative demand  
85 for information required pursuant to sections 3 to 5, inclusive, of this  
86 act.

87 (b) If a person wilfully fails to supply information not later than  
88 twenty-one business days after being notified of the failure to provide  
89 the required information pursuant to subsection (a) of this section or if  
90 such person fails to comply with a civil investigative demand issued  
91 pursuant to subsection (a) of this section, such person shall forfeit and  
92 pay to the state a civil penalty of not less than one thousand dollars per  
93 day or more than five thousand dollars per day for each day the  
94 submission of information is refused or delayed. The Attorney  
95 General, acting in the name of the state, may petition for recovery of  
96 such penalties.

97 (c) If any person or any employee of any person wilfully, and with  
98 the intent to defraud, makes any false statement, representation or  
99 certification in any record, report, plan or other document filed with  
100 the Department of Consumer Protection pursuant to sections 3 to 5,  
101 inclusive, of this act, the Attorney General, upon petition to the court,  
102 may recover, on behalf of the state, a civil penalty not to exceed five  
103 hundred thousand dollars. For purposes of this subsection, a wilful  
104 violation occurs when the party committed the violation knew or  
105 should have known that such conduct was a violation of sections 3 to  
106 5, inclusive, of this act.

<p>This act shall take effect as follows and shall amend the following sections:</p>
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Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	New section
Sec. 3	<i>from passage</i>	New section
Sec. 4	<i>from passage</i>	New section
Sec. 5	<i>from passage</i>	New section
Sec. 6	<i>from passage</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>from passage</i>	New section
Sec. 9	<i>from passage</i>	New section